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TO : Commissioner for Patents
COMPANY : USPTO
FAX No. : 1-703-872-9306
No of PAGES : 13 (including cover sheet)
FROM : Joseph Fischer
DATE : March 15, 2005
RE : USSN 09/909,414
ATTY. DOCKET NO: 10509-030

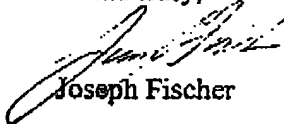
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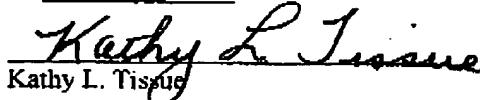
Attached please find for entry into the above-referenced application a Supplemental Reply Amendment Under 37 CFR 1.111.

Yours truly,


Joseph Fischer

Certificate of Transmission

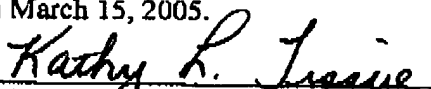
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Serial No. 09/909,414
Docket No. 10509-030

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: : Frank L. Graham, et al.
Examiner : Vogel, Nancy T.
Art Unit : 1636
Docket No. : AdVec10CA
Serial No. : 09/909,414
Filed : 07/19/2001
For: : Recombinase-based System for Construction of Adenovirus

Commissioner of Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir or Madam:

SUPPLEMENTAL REPLY/AMENDMENT UNDER 37 C.F.R. 1.111

This reply with amendment supplements the response, mailed 11/12/2003, in response to the Office Action mailed in the captioned application on August 12, 2003.

This reply with amendment is provided to correct inadvertent errors recently identified in the Fee Transmittal form, PTO/SB/17, submitted 11/12/2003, and minor errors recently identified in certain claims 14-21, added in the response mailed 11/12/2003.

Serial No. 09/909,414
Docket No. 10509-030

This Supplemental Reply/Amendment was first submitted 2/10/2004. Attorney for Applicant telephoned to various parties at the USPTO in December 2004 to assess the status of this application. After being referred to different persons, on December 17, 2004, Attorney for Applicant spoke with Mr. Gary Jones (571-272-0745) who explained that it appeared that LIE did not enter the 11/14/2003 nor the 2/10/2004 Reply/Amendment into PALM, so these did not go into PAIR. Mr. Jones indicated that he would get someone to enter these documents into PALM on that day.

Accordingly, given the long inadvertent delay at the USPTO, a Patent Term Extension is properly applicable in this case. Based on the inactivity by the Patent Office following Applicant's Reply with Amendment mailed 11/12/2003 (which should have been responded to by the Patent Office within four (4) months of that mailing date), the Patent Term Extension may be determined from 3/12/2004. In the alternative, if the person charged with determining Patent Term Extension considers that the relevant date flows from the 02/10/2004 original submission of this Supplemental Reply/Amendment, then a Patent Term Extension should be calculated from 06/10/2004, the end of the four-month period during which the Patent Office properly should have sent a communication indicating that the amendments filed on 02/10/2004 did not comply with the requirements of 37 CFR 1.121(c). Applicant hereby respectfully requests a proper assessment and calculation of Patent Term Extension in view of the delays at the Patent Office in 1) responding to the 11/12/2003 Reply/Amendment, and/or 2) providing such communication with regard to the 02/10/2004 Supplemental Reply/Amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 11 of this paper.